

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

CHAMBERS OF
WILLIAM M. NICKERSON
SENIOR UNITED STATES DISTRICT JUDGE

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February 17, 2005

All Counsel

Re: EEOC v. Warfield Rohr
Civil Case No. WMN-01-2872

Dear Counsel:

Set forth below please find my rulings on the pending pretrial issues.

Plaintiff/EEOC Motion in Limine

As to witness Marsha Ayres - Motion GRANTED

As to witness George Taylor- Motion DENIED (provided that the substance of Mr. Taylor's testimony is promptly disclosed and that Plaintiff is provided the opportunity to depose or speak to the witness before next week.)

As to witness Karl Silex - Motion DENIED (provided that Plaintiff is given the opportunity to depose Mr. Silex or speak to him before next week.)

Deposition of Howard Ayres:

Plaintiff's and Defendant's Objections to designated portions of Howard Ayres' deposition have been reviewed. The rulings as to Plaintiff's objections follow the numerical designations in the Pre Trial Order. S means Sustained; O means Overruled:

- (1) S
- (2) S
- (3) S
- (4) S (also remove lines 6 - 10)
- (5) S
- (6) S
- (7) S(also remove lines 10 - 17)

(8) O
(9) O
(10) S
(11) Lines 1-8 S; Lines 9-18 O
(12) O
(13) O
(14) O
(15) O
(16) O
(17) S
(18) O
(19) O
(20) O
(21) S
(22) S
(23) O
(24) O
(25) O
(26) O
(27) O
(28) O
(29) S
(30) O
(31) O
(32) O
(33) O
(34) O
(35) O
(36) O
(37) O
(38) O
(39) O
(40) O
(41) O
(42) S
(43) O
(44) O

Defendant has noted three objections to portions of the Ayres deposition. The court is without a transcript in regard to objections 2 and 3. Objection #1 is overruled. Objections #2 and #3 will be ruled on at trial.

Plaintiff's objection to Defendant's proposed Exhibit #8 (10/13/00 letter from Cohen to Ayres) is Sustained.

Plaintiff's objection to Defendant's proposed Exhibit #9 (11/26/99 memo from Ayres) is Overruled.

Plaintiff's objection to Defendant's proposed Exhibit # 5 (Kuehn's notes of 4/28/00) is Overruled.

Defendant's objection to the report of Plaintiff's Expert, Dr. Tun, is reserved until Dr. Tun testifies.

Defendant's objections to Plaintiff's proposed Exhibits # 6 and # 13 (an EEOC Determination letter and Failure of Conciliation letter) are Sustained.

Defendant's objection to an audio tape of a portion of an interview of Mr. Ayres by an EEOC representative is Overruled.

_____/s/_____
William M. Nickerson
Senior United States District Judge

Cc: Court file